

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

Street Vendors Policy on Urban street Vendors 2009 – Orders of Hon'ble Supreme Court for implementation of Policy pending legislation by Parliament or any other competent legislature – Instructions – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (UBS) DEPARTMENT

G.O.Ms.No. 481

Dated: 02.12.2013

Read the following:

1. Order of Hon'ble Supreme Court of India dated 09-09-2013 in Civil Appeal No.4156- 4157/12 and other CAs and IAs.
2. Govt. Memo No.9981/UBS/2013, dated 10.10.2013.
3. Govt. Memo No.9981/UBS/2013 dated 04.11.2013.

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ORDER:

A Street Vendor/Hawker is a person who offers goods for sale to the public at large without having a permanent structure /place for his activities. Some of the Street Vendors /Hawkers are stationery in the sense that they occupy in the space on payment on other public /private places while others are mobile in the sense that they move from place to place carrying their wares on push carts or in baskets on their pets.

2. Taking into consideration the above facts and to make the Street Vendors /Hawkers for their honest living in the society, the Government of India revised the National Policy on Urban Street Vendors in 2009. This National Policy aims at ensuring that Urban Street Vendors are given due recognition at National, State and Local Levels to pursue economic activity without harassment and at the same time locations on which activities to be pursued are earmarked in zoning places. The revised policy also underscores need for legislative framework to enable Street Vendors to pursue honest living without harassment from any quarter.

3. The constant threats faced by Street Vendors /Hawkers of losing their source of livelihood has forced them to seek intervention of the courts including Hon'ble Supreme Court of India. The Hon'ble Supreme court of India in civil appeals No.4156-4157/2012 and other civil appeals and IAs filed by Maharashtra Ekta Hawkers Union and another versus Municipal Corporation Greater, Mumbai and others delivered the judgment on 05.09.2013 giving detailed instructions for implementation of National Urban Policy on Street Vendors. The following are the directions of Hon'ble Supreme Court of India on implementation of the national policy on the Street Vendors.

- I. Town Vending Committee (TVC) at city/town level should be constituted in accordance with the provisions contained in the 2009 policy within two months from the date of receipt of this order. For the Cities and Towns having large Municipal areas, more than one TVC may be constituted. (Timeline before 5<sup>th</sup> December 2013)
- II. Each Town vending Committee shall consist of representatives of various organizations and street vendors / hawkers. 30% of the representatives from the category of street vendors /hawkers shall be women.
- III. The representatives of various organizations and street vendors /hawkers shall be chosen by the town Vending committee by adopting a fair and transparent mechanism.
- IV. The Town Vending Committees shall function strictly in accordance with the 2009 Policy and the decisions taken by it shall be notified in the print and electronic media within next one week.

- V. The Town Vending committees shall be free to divide the Municipal areas in vending/ hawking zones and sub-zones and for this purpose they may take assistance of experts in the field. While undertaking this exercise, the town Vending Committees constituted for the cities of Delhi and Mumbai shall take into consideration the work already undertaken by the municipal authorities in furtherance of the directions given by Supreme Court. The municipal authorities shall also take action in terms of Paragraph 4.2 (b) and (c).
  - VI. All street vendors/hawkers shall be registered in accordance with paragraph 4.5.4 of the 2009 policy. Once registered, the street vendors/hawker, shall be entitled to operate in the area specified by the Town Vending Committee.
  - VII. The process of registration must be completed by the municipal authorities in the State within four months of the receipt of this order.
  - VIII. The Municipal and local authorities shall take all the steps necessary for achieving the objectives set out in the 2009 policy.
  - IX. The town Vending Committee shall meet every month and ensure implementation of the relevant provisions of the 2009 policy and in particular, paragraph 4.5.1 (b) and (c).
  - X. Physically challenged who were allowed to operate PCOs in terms of the judgment reported in (2009) 17 SCC 231 shall be allowed to continue to run their stalls and sell other goods because running of PCOs, is no longer viable. Those who were allowed to run Aarey/Sarita shall be allowed to continue to operate their stalls.
  - XI. The State Governments and municipal authorities shall be free to amend the legislative provisions and/ or delegated legislation to bring them in tune with the 2009 policy. If there remain any conflict between the 2009 policy and the municipal laws insofar as they relate to street vendors/hawkers, then the 2009 Policy shall prevail.
  - XII. Henceforth, the party shall be free to approach the jurisdictional High Court for redressal of their grievance and the direction, if any, given by the Supreme Court in the earlier judgments/orders shall not impede disposal of the cases which may be filed by the aggrieved parties.
  - XIII. All the existing street vendors/ hawkers operating across the country shall be allowed to operate till the exercise of registration and creation of vending/ hawking zones is completed in terms of the 2009 policy. Once that exercise is completed they shall be entitled to operate only in accordance with the orders/ directions of the concerned Town vending committee.
  - XIV. The provisions of the 2009 Policy and the directions contained herein above shall apply to all the municipal areas in the State.
  - XV. The aforesaid directions shall remain operative till an appropriate legislation is enacted by Parliament or any other competent legislature and is brought into force.
4. All the departmental heads in the address entry are requested to ensure the compliance of above guide lines through their concerned Heads of Departments for effective implementation of policy in a time bound manner under intimation to MA & UD Department.

5. The Commissioner and Director of Municipal Administration, Hyderabad, Director of Town & Country Planning, Hyderabad, Commissioner, Greater Hyderabad Municipal Corporation, Mission Director, MEPMA, Commissioner of Police, Hyderabad/Cyberabad and commissioner for Health and Family Welfare are requested to take immediate steps for forming town vending committees and render necessary assistance to the authorities for implementation of the Supreme Court directions.

6. The Director General of Police is requested to issue circular to all police officers to implement the orders of the Hon'ble Supreme Court in letter and spirit.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.P.K.MOHANTY  
CHIEF SECRETARY TO GOVERNMENT

To

The Principal Secretary to Government, Home Department, Hyderabad.

The Principal Secretary to Government, Medical, Health & Family Welfare Department.

The Principal Secretary to Government (MA), MA & UD Department.

The Principal Secretary to Government (UD), MA & UD Department.

The Principal Secretary to Government, GAD Department.

The Director General of Police, Lakidikapool, Hyderabad.

The Commissioner and Director of Municipal Administration, Hyderabad.

The Director of Town and Country Planning, Hyderabad.

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

The Commissioner of Police, Hyderabad.

The Commissioner of Police, Cyberabad.

The Mission Director, MEPMA, Hyderabad.

The Commissioner for Health and Family Welfare, Koti, Hyderabad.

Copy to:

The P.S. to Chief Secretary to Government.

The P.S. to Principal Secretary to Hon'ble C.M.

The P.S. to Hon'ble M(MA).

The P.S. to Principal Secretary to Government (MA).

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//FORWARDED BY ORDER4//

ASSISTANT DIRECTOR